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REFERENCE: jmn/mm/fg/follow-up/CAT

17 November 2008

Mr. Ambassador,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the first periodic report of Bahrain (CAT/C/47/Add.4) by this Commission at its 34th session, which was held on 2 to 21 May 2005. At the end of that session, the Committee's Conclusions and Recommendations (CAT/C/CR/34/BHR) were adopted and transmitted to your Permanent Mission.

In paragraph 11 of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedures, that Bahrain provide, within one year, further information regarding areas of particular concern identified by the Committee in paragraphs 6(e), (m) and (o) (see extracts annexed). I am writing to thank you for your Government's communication of 21 November 2006 (CAT/C/BHR/CO/1/Add.1) in which you provided responses to recommendations 7(e), (m), and (o). The information provided is indeed appreciated by the Committee and will be reviewed in detail so as to carry out an assessment of the implementation of the Convention in the Kingdom of Bahrain.

As the responses provided contain information regarding paragraphs other than those which the Committee requested further information on, we would be grateful if you would also provide information on the concerns raised in paragraphs 6(e), (m) and (o) as requested by the Committee. This will enable the Committee to complete an analysis of the progress made regarding implementation of aspects of the Convention. For your convenience, please see below for a reminder on the information requested by the Committee in paragraph 11 of the Conclusions and Recommendations:

The Committee expresses its concern at:

(...)

Paragraph 6(e)

The inadequate access to external legal advice while in police custody, to medical assistance and to family members, thereby reducing the safeguards available to detainees;

(...)

Paragraph 6(m)

The difference regimes applicable, in law and in practice, to nationals and foreigners in relation to their legal right to be free from conduct that violates the Convention. The Committee reminds the State party that the Convention and its protections are applicable to all acts that are in violation of the Convention that occur within its jurisdiction, from which it follows that all persons are entitled, in equal measure and without discrimination, to the rights contained therein;

(...)

Paragraph 6(o)

The overbroad discretionary powers of the Shariah court judges in the application of personal status law and criminal law and, in particular, reported failures to take into account clear evidence of violence confirmed in medical certificates following violence against women.

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Upon receipt of your reply with the information requested above and in the Conclusions and Recommendations, the Committee will be able to assess whether further action may be required. The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Bahrain on the implementation of the Convention, and in this context, to receiving clarification to the enquiries in this letter.

Accept, Mr. Ambassador, the assurances of my highest consideration.



Felice Gaer

Rapporteur for Follow-up on Conclusions and Recommendations  
Committee Against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Conclusions and recommendations of the Committee against Torture**  
*(Extracts for follow-up)*

BAHRAIN

(...)

**E. Recommendations**

7. The Committee recommends that the State party:

(...)

(e) Ensure that its legal system provides victims of past acts of torture with redress and an enforceable right to fair and adequate compensation;

(...)

(m) Remove inappropriate restrictions on the work of non-governmental organizations, especially those dealing with issues related to the Convention;

(...)

(o) Provide information to the Committee about the proposed committee for the prevention of vice and promotion of virtue, including whether it exercises a precise jurisdiction in full conformity with the requirements of the Convention and is subject to review by ordinary judicial authority.

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